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9 (Per L.R.A. IA 11-1(b)(1))

10 Attorneys for Defendant/Counterclaimant/Cross-Complainant
EVEREST NATIONAL INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT,
12 DISTRICT OF NEVADA

13 CENTEX HOMES,
14
15 Plaintiff,
16 v.

17 FINANCIAL PACIFIC INSURANCE
COMPANY, a California corporation;
EVEREST NATIONAL INSURANCE
18 COMPANY, a Delaware Corporation; ST.
PAUL FIRE AND MARINE INSURANCE
19 COMPANY, a Connecticut Corporation;
ARCH SPECIALTY INSURANCE
20 COMPANY, a Nebraska corporation;
INTERSTATE FIRE & CASUALTY
21 COMPANY, an Illinois corporation;
LEXINGTON INSURANCE COMPANY, a
22 Delaware corporation; NAVIGATORS
SPECIALTY INSURANCE COMPANY, a
23 New York corporation; FEDERAL
INSURANCE COMPANY, an Indiana
24 corporation; FIRST MERCURY
INSURANCE COMPANY, an Illinois
25 corporation; FIRST SPECIALTY
INSURANCE CORPORATION, a Missouri
26 corporation; AXIS SURPLUS INSURANCE
COMPANY, an Illinois corporation,

27 Defendants.
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Case No. 2:19-cv-01284-JCM-VCF

**STIPULATION AND ORDER TO
EXTEND THE DEADLINE TO FILE
DISPOSITIVE MOTIONS**

(Second Request)

The remaining parties in this action, plaintiff/counter-defendant Centex Homes (“Centex”), defendant/counterclaimant/cross-complainant Everest National Insurance Company (“Everest”), defendants/cross-defendants Lexington Insurance Company (“Lexington”) and Axis Surplus Insurance Company (“AXIS”) and defendant Interstate Fire & Casualty Company (“Interstate”), by and through their respective counsel of record, hereby stipulate to extend certain deadlines within the Scheduling Order entered by this Court on September 25, 2020 (ECF No. 126), by sixty (60) days pursuant to LR 26-4. This is the second stipulation to extend the dispositive motion deadline.

Centex has previously resolved and its dismissed its claims against defendants Financial Pacific Insurance Company (“Financial Pacific”), St. Paul Fire and Marine Insurance Company (“St. Paul”), Arch Specialty Insurance Company (“Arch”), Navigators Specialty Insurance Company (“Navigators”), Federal Insurance Company (“Federal”), First Mercury Insurance Company (“First Mercury”) and First Specialty Insurance Corporation (“First Specialty”). Financial Pacific, St. Paul, Arch, Navigators, Federal, First Mercury and First Specialty are no longer parties to this action.¹

Good cause exists for the requested extensions. The remaining parties in this action, Centex, Everest, Lexington, AXIS and Interstate (the “Parties”), require additional time to determine what claims can be settled or otherwise resolved with the need for dispositive motions and substantial progress has been made in that respect.

1. Reason(s) Why The Parties Are Requesting An Extension Of The Dispositive Motion Deadline.

The Parties have made substantial progress towards resolving this case in its entirety. An initial mediation took place on April 30, 2020. Since that time, Centex has resolved and dismissed its claims against seven defendants. Further, one of those now dismissed parties, St. Paul, resolved and dismissed its cross-claims against nine defendants, including Lexington, AXIS and Interstate.

¹ St. Paul had asserted cross-claims against Everest, Financial Pacific, Arch, Navigators, First Mercury, First Specialty, Lexington, AXIS and Interstate (ECF No. 101.) St. Paul’s cross-claims against Everest were dismissed on January 13, 2021. (ECF No. 134.) St. Paul’s remaining cross-claims in this action were dismissed on February 17, 2021. (ECF No. 139).

Centex and Lexington participated in further mediation in December, 2020, to resolve their respective claims and defenses and made substantial progress towards settlement. The Parties are continuing to discuss the possibility of settling or otherwise resolving the remaining claims, counter-claims and/or cross-claims but require more time to determine which claims can be resolved without the need for filing dispositive motions. Substantive progress has already been made in that respect. The Parties believe their time, attention, and resources would be better spent focusing on settlement rather than preparing dispositive motions over the following three weeks.

2. Proposed Schedule For Filing Dispositive Motions And a Joint PreTrial Order.

Dispositive Motions

The parties shall have until May 17, 2021, to file dispositive motions.

Joint PreTrial Order

The Joint Pretrial Order shall be filed no later than June 17, 2021, which is thirty (30) days after the date set for filing of dispositive motions. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the dispositive motions or by further order of the Court.

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IT IS SO STIPULATED.

<p>Dated: February 24, 2021</p> <p>PAYNE & FEARS LLP</p> <p>By: <u>/s/ Sarah J. Odia</u> Scott S. Thomas, Esq. Sarah J. Odia, Esq. 6385 S. Rainbow Blvd., Ste. 220 Las Vegas, NV 89118 Telephone: (702) 851-0300</p> <p>Attorneys for Plaintiff/Counter-Defendant, CENTEX HOMES</p>	<p>Dated: February 24, 2021</p> <p>SELMAN BREITMAN LLP</p> <p>By: <u>/s/ David Astengo</u> David Astengo, Esq. 33 New Montgomery, Sixth Floor San Francisco, CA 94105-4537 Telephone: (415) 979-0400</p> <p>Attorney for Defendant, Counterclaimant and Cross-Complainant, EVEREST NATIONAL INSURANCE COMPANY</p>
<p>Dated: February 24, 2021</p> <p>COZEN O'CONNOR</p> <p>By: <u>/s/ Michael W. Melendez</u> Michael W. Melendez, Esq. 101 Montgomery Street, Suite 1400 San Francisco, CA 94104 Telephone: (415) 593-9610</p> <p>Attorney for Defendant and Cross-Defendant, AXIS SURPLUS INSURANCE COMPANY</p>	<p>Dated: February 24, 2021</p> <p>CARMAN COONEY FORBUSH PLLC</p> <p>By: <u>/s/ Benjamin Carman</u> Benjamin Carman, Esq. 4045 Spencer Street, Ste. A47 Las Vegas, NV 89119 Telephone: (702) 421-0111</p> <p>Attorney for Defendant INTERSTATE FIRE & CASUALTY COMPANY</p>
<p>Dated: February 24, 2021</p> <p>HEROLD & SAGER</p> <p>By: <u>/s/ Andrew D. Herold</u> Andrew D. Herold, Esq. 3960 Howard Hughes Pkwy., Ste. 500 Las Vegas, NV 89169 Telephone: (702) 990-3624</p> <p>Attorney for Defendant and Cross-Defendant, LEXINGTON INSURANCE COMPANY</p>	

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ORDER

IT IS SO ORDERED:

Dated: 2-25-2021



U.S. MAGISTRATE JUDGE